

TEXT AMENDMENT STAFF REPORT



Hearing Date: 2-18-16

Case File #: TA-16-03

General Description: Amend Article 2, General Regulations in the UDO to replace previous section of the Town Code into the UDO.

☒ Town Initiated

☐ Citizen Initiated

Applicant(s): Town of Sunset Beach

APPLICATION OVERVIEW:

The Sunset Beach Planning & Inspections Department has initiated an application to amend Article 2 in the UDO to replace previous ordinance language from the Town Code into the UDO; specifically related to alteration of sand dunes. This application is being initiated by Town staff at the direction of the Planning Board and Town Council. The concern from the Planning Board was centered on the apparent omission of former Town Code standards in the UDO at the time of its adoption. The Board expressed a need to place this or a derivation of these standards back into the current code.

STAFF COMMENTARY

Staff has reviewed the UDO for the appropriate sections to incorporate previous language in the current code. At the 2/4/2016 Planning Board meeting, the Planning Board directed staff to insert language back into the UDO from the previous code related to alteration of sand dunes. After discussion of specific standards, staff is proposing amended language based upon Planning Board discussion and deliberation. Staff believes the most appropriate location for this language given the difference in Town Code structure versus the UDO format is to place the standard in Article 2, General Regulations.

PROPOSAL

At the request of the Planning Board to place the previous Town Code language back into the UDO, staff has provided the following proposed language for consideration for the Board:

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The Planning Board recommended to replace the section of the code related to alteration of sand dunes. After deliberation, staff informed the Board that, in staff's opinion, that the majority of the standards in the older language are covered under the Town's CAMA regulations. Specifically, the CAMA regulations limit or prohibit the removal of vegetation or altering of the dunes on the ocean front lots. The Planning Board indicated however, that they wished to have more restrictive language in place to cover those areas on the ocean front where the CAMA restrictions would not apply. The Board wished to put the language back into the ordinance related to tree trimming and vegetation removal in those areas and to limit the trimming to the first floor elevation of the adjacent house. As such, staff is proposing the following language:

SECTION 2.19 Alteration of Sand Dunes

(A) It shall be unlawful to alter, disturb, or relocate any sand, sand dune, or cut or remove vegetation within in an area on a lot in violation of any established CAMA regulation.

(B) For those areas of ocean front lots not covered under any CAMA regulation of disturbance, alteration or removal of natural vegetation may be allowed under the following circumstances:

1. Alteration needed to accomplish CAMA approved activities;
2. Vegetation exceeding the height of the first, habitable floor level of the house on the lot. In such case, the vegetation may be trimmed down no lower than the first habitable floor level.

(C) Exemptions. The Town, County, State or Federal governments shall be exempt from this section in the normal upkeep, construction, or maintenance of Town or other approved governmental facilities and infrastructure and in compliance with all applicable CAMA regulations.

Staff **recommends consideration and/or approval** of the proposed language.

PLANNING BOARD SUMMARY

Action:

The Planning Board finds that the proposed amendments to Unified Development Ordinance
__X__ is ____ is not consistent with the Sunset Beach Comprehensive Land Use Plan.

Passed __X__ Denied ____ (For __5__ Against ____ Abstained ____)

Commentary: Planning Board passed the amendment with minor modifications. The Planning Board passed the amendment as outlined below. The Board's changes are in blue.

Recommendation: Planning Board recommends to accept proposed amendment and to schedule a Public Hearing for April 4, 2016.

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SECTION 2.19 Alteration of Sand Dunes or Ocean Front Vegetation

(A) It shall be unlawful to alter, disturb, or relocate any sand, sand dune, or cut or remove vegetation within in an area on a lot in violation of any established CAMA regulation.

(B) For those areas of ocean front lots not covered under any CAMA regulation of disturbance, alteration or removal of natural vegetation may only be allowed under the following circumstances after proper application to the Town and the issuance of a zoning permit:

1. Alteration needed to accomplish CAMA approved activities;
2. Vegetation exceeding the height of the first, habitable floor level of the house on the lot. In such case, the vegetation may be trimmed down no lower than the first habitable floor level.

(C) Exemptions. The Town, County, State or Federal governments shall be exempt from this section in the normal upkeep, construction, or maintenance of Town or other approved governmental facilities and infrastructure and in compliance with all applicable CAMA regulations.

TOWN COUNCIL SUMMARY

Action:

The Town Council finds that the proposed amendments to Unified Development Ordinance ____ **is** ____ **is not** consistent with the Sunset Beach Comprehensive Land Use Plan.

Passed ____ Denied ____ (For ____ Against ____ Abstained ____)

Commentary: Town Council reviewed the proposed UDO amendment for Section 2.19 and requested the following of Staff:

1. Remove “in” from subsection (A)
2. Add “outside of the permitted, net buildable area” to subsection (A)
3. Determine if vegetation trimmings can be removed from the site per CAMA
4. Add “whichever is more restrictive” to subsection (B) as requested by Mayor Pro-Tem Scott.

Council will reconsider the amendment during the March 22, 2016 meeting and schedule a public hearing if deemed acceptable.

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SECTION 2.19 Alteration of Sand Dunes or Ocean Front Vegetation

(A) It shall be unlawful to alter, disturb, or relocate any sand, sand dune, or cut or remove vegetation within an area on a **lot** in violation of any established CAMA regulation, outside of the permitted, net buildable area.

(B) For those areas of ocean front **lots** not covered under any CAMA regulation of disturbance, alteration or removal of natural vegetation may only be allowed under the following circumstances, whichever is most restrictive, after proper application to the Town and the issuance of a zoning permit:

1. Alteration needed to accomplish CAMA approved activities;
2. Vegetation exceeding the height of the first, habitable floor level of the house on the **lot**. In such case, the vegetation may be trimmed down no lower than the first habitable floor level.

(C) Exemptions. The Town, County, State or Federal governments shall be exempt from this section in the normal upkeep, construction, or maintenance of Town or other approved governmental facilities and infrastructure and in compliance with all applicable CAMA regulations.